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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/670,107	09/24/2003	Norman Goris	N. GORIS 6-6	7170
47396	7590	12/29/2005	EXAMINER	
HITT GAINES, PC AGERE SYSTEMS INC. PO BOX 832570 RICHARDSON, TX 75083			JACKSON, BLANE J	
			ART UNIT	PAPER NUMBER
			2685	

DATE MAILED: 12/29/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/670,107

Applicant(s)

GORIS ET AL.

Examiner

Blane J. Jackson

Art Unit

2685

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 24 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 24 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-5, 8-12, 15-17 and 19 are rejected under 35 U.S.C. 102(b) as being anticipated by Heinonen et al. (US 5,772,586).

As to claim 1-4, 8-11 and 15, Heinonen teaches a mobile telephone, method and system of employing a mobile telephone to measure a vital sign comprising:

A vital sign measuring system (figures 1-3, column 3, line 55 to column 4, line 15 and monitors blood glucose level, blood pressure, temperature or pulse),

A keypad coupled to the vital sign measuring system configured to allow a user to control the vital sign measuring system (column 4, lines 37-44),

A display coupled to the vital sign measuring system configured to provide vital sign information to the user (column 4, line 63 to column 5, line 3 and column 5, lines 54-65).

As to claims 5, 12 and 16 with respect to claims 1, 8 and 15, Heinonen teaches the vital sign measuring system is integral with a chassis of the mobile telephone (measuring unit (11) is integral or separate, column 4, lines 54-63).

As to claim 17 with respect to claim 15, Heinonen teaches the control circuitry provides the vital sign information to the user via a display of the mobile telephone (column 5, lines 54-65 and column 4, line 63 to column 5, line 3.

As to claim 19 with respect to claim 15, Heinonen teaches the control circuitry accepts commands from a keypad of the mobile telephone (column 4, lines 37-44 and column 5, lines 54-65).

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 6, 7, 13, 14, 18 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Heinonen et al. (US 5,772,586) with a view to Puthuff (US 6,112,103).

As to claims 6, 7, 13, 14, 18 and 20 with respect to claims 1, 8 and 15, Heinonen teaches a standard mobile telephone equipped with a microphone and loudspeaker but not used with the bidirectional data exchange of vital information via a short message service centre to a hospital, column 4, lines 16-36, but does not specifically teach the loudspeaker is coupled to the vital sign measuring system to provide vital sign

information to the user or a microphone to allow the user to control the vital sign measuring system.

Puthuff teaches a mobile telephone (figure 1, telephone (312)) with an attached personal communication node (PCN) (100) for wirelessly receiving or providing voice commands to control a remote device that monitors vital statistics of a patient, column 3, lines 8-22, column 9, lines 4-47 and column 6, lines 10-44 and voice command can also be user to control the telephone for usual use functions using the internal microphone and speaker, column 8, lines 28-66).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the vital health monitoring telephone of Heinonen with the voice command ability of Puthuff for the hands free convenience of controlling the system by the patient.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yonekura et al. (US 2004/0110474) discloses an attachment to a cellular phone to provide a display and short range communications to a remote device including a health monitor. Larikka et al. (US 2003/0045311) discloses a mobile telephone to transfer information including health data gathered by a person server to the mobile network via SMS, GPRS, WAP and DATA methods. Quy (US 2004/0162466) discloses a wireless health monitoring system for monitoring the health

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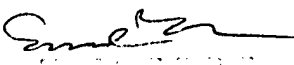
condition of a patient with wireless connection to the wireless web device. Leven (US 2004/0172290) discloses a wearable health monitoring device in the form of a mobile telephone including sensors to monitor the patient health and wireless transceiver for bidirectional information and control.

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blane J. Jackson whose telephone number is (571) 272-7890. The examiner can normally be reached on Monday through Friday, 8:00 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Urban can be reached on (571) 272-7899. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

BJJ



Blane J. Jackson
Examiner
Art Unit 2685